

STORAGE NAME: h1201.tu

DATE: March 11, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TOURISM
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1201 (PCB TU 97-06)

RELATING TO: Great Floridians

SPONSOR(S): Committee on Tourism, Rep. Barreiro and others

STATUTE(S) AFFECTED: Section 267.072, Florida Statutes

COMPANION BILL(S): SB 1498 (i)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

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I. SUMMARY:

House Bill 1201 establishes the Great Floridians program as part of the Museum of Florida History in the Department of State. The program's purpose is to recognize and record the achievements of Floridians, living and deceased, who have made major contributions to the progress and welfare of this state or nation.

House Bill 1201 specifies that the Division of Historical Resources shall make nominations to the Secretary of the Department of State for the designation of Great Floridians and that the Secretary is required to designate at least two persons annually as Great Floridians. The division is to seek the assistance of persons qualified through the demonstration of special interest, experience, or education in the dissemination of knowledge about the state's history when making nominations. In the case of living nominees, the division must consult with an ad hoc committee composed of representatives from the executive and legislative branches of government and the Florida History Associates, or its successor. Candidates whose contributions were as an elected or appointed public official cannot be selected while holding public office.

House Bill 1201 provides that upon the designation of a person as a Great Floridian, the division shall undertake appropriate activities intended to achieve wide public knowledge of the designated person. Appropriate activities may include the production of a film, videotape, or other medium of equal quality depicting the life and contributions of the designee to this state and to the nation and markers affixed to properties significantly associated with the major contributions of the designee. Film productions are contingent upon the appropriation of sufficient funds by the Legislature.

Markers are estimated at \$300 each and the cost of films and videos range from \$25,000 to \$100,000 for a 28 to 58 minute film. There is no specified amount of funding requested in the bill; therefore, the level of implementation of the Great Floridians program is contingent upon legislative appropriation.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The responsibility and policy of the state regarding its historical resources are provided in Chapter 267, F.S. The Division of Historical Resources in the Department of State is delegated the responsibility for achieving the state's goals regarding preservation including: developing a statewide historic preservation plan; advising and assisting federal, state and local governmental agencies in carrying out their historic preservation responsibilities and programs; providing public information, education, and technical assistance relating to historic preservation programs; cooperating with local governments and organizations and individuals in the development of local historical preservation programs; and acquiring, maintaining, preserving, interpreting, exhibiting, and making available for study objects which have intrinsic historical or archaeological value relating to the history, government, or culture of the state.

Section 267.17, F.S., provides the division with authority to support the establishment of a citizen support organization for the purpose of assisting the division with funding and promotional support for the archaeology, museum, folklife, and historic preservation programs. The citizen support organization is to conduct programs and activities, raise funds, request and receive grants, gifts and bequests of money and to make expenditures to or for the direct or indirect benefit of the division or individual program units of the division.

Section 286.031, F.S., provides the Department of State with the authority to perform any and all things necessary to secure letters patent, copyright and trademark on any invention. Additionally, authority is given to the department to give written consent to any person, firm or corporation for the use of such patent, copyright or trademark and to establish royalty or such other consideration as the department deems proper for the benefit of the state.

An "Official Florida Historical Marker" is defined in s. 267.021(8), F.S., as "any marker, plaque, or similar device awarded, approved, or administered by the division for the purpose of recognizing and informing the general public about historic properties, persons, events, and other topics relating to the history and culture of the state." Besides encouraging interest in preserving the historical resources of the state and its localities, the state historical marker program is designed to promote a sense of community and place among Florida citizens and provide for the enjoyment and edification of tourists, pursuant to s. 267.061(3)(n), F.S. The division installs markers recognizing historic properties, individuals, events, and other topics significant in Florida or American history and keeps a register of those markers.

B. EFFECT OF PROPOSED CHANGES:

The Division of Historical Resources in the Department of State is authorized to establish a program entitled "Great Floridians" to recognize and record the achievements of living and deceased Floridians who have made major contributions to the progress and welfare of the state or nation.

The Secretary is required to designate at least two persons annually from nominations submitted by the division with the assistance of persons qualified through the demonstration of special interest, experience, or education in the dissemination of knowledge about the state's history. In the case of persons living who are nominated, the division must consult with an ad hoc committee composed of representatives from the executive and legislative branches of government and the Florida History Associates.

House Bill 1201 provides that upon the designation of a person as a Great Floridian, the division shall undertake appropriate activities intended to achieve wide public knowledge of the person designated. Appropriate activities may include the production of a film, videotape, or other medium of equal quality depicting the life and contributions of the designee and/or markers affixed to properties significantly associated with the major contributions of the designee. In the production process, the division may seek the assistance of volunteers and of the citizen support organization created in s. 267.17, F.S., in achieving its goals. Film productions are contingent upon the appropriation of sufficient funds by the Legislature.

The division may exercise its right of trademark over the terms "Great Floridian" or "Great Floridians" pursuant to s. 286.031, F.S.

The Museum of Florida History is specified as the repository of the original negative and the original master tape of any film or video produced. Furthermore, the division shall arrange for the distribution of copies of the productions made to the general public, public television stations, educational institutions, and others. A reasonable charge to recover costs associated with production, marketing and distribution may be assessed. Proceeds from any fees will be deposited in the Historical Resources Operating Trust Fund.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A.

(2) what is the cost of such responsibility at the new level/agency?

N/A.

(3) how is the new agency accountable to the people governed?

N/A.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A.

(2) Who makes the decisions?

N/A.

(3) Are private alternatives permitted?

N/A.

(4) Are families required to participate in a program?

N/A.

(5) Are families penalized for not participating in a program?

N/A.

b. Does the bill directly affect the legal rights and obligations between family members?

N/A.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A.

(2) service providers?

N/A.

(3) government employees/agencies?

N/A.

D. SECTION-BY-SECTION ANALYSIS:

Section 1 - amends s. 267.072(1), F.S., establishing the Great Floridians program of the Museum of Florida History in the Florida Department of State to recognize and record the achievements of living and deceased Floridians who have made major contributions to the progress and welfare of the state or nation. The Secretary of the Department of State is directed to designate at least two persons annually as Great Floridians from nominations presented by the Division of Historical Resources. In the case of living nominees, the division shall be assisted by an ad hoc committee composed of representatives from the executive and legislative branches of government and the Florida History Associates.

Upon the designation of a person as a Great Floridian, the Division of Historical Resources is directed to undertake appropriate activities in order to achieve wide public knowledge of the person so designated. Such activities include the production of films and videos and affixing markers to properties associated with the major contributions of the designee. The division is directed to seek out cooperation from local volunteers and pursue fundraising through the citizens support organization created in s. 267.17, F.S. The production of films and videos is contingent upon appropriation of sufficient funds by the Legislature.

The Museum of Florida History is specified as the repository of the original negative and the original master tape of any film or video produced. Furthermore, the division shall

arrange for the distribution of copies of the productions made to the general public, public television stations, educational institutions, and others. A reasonable charge to recover costs associated with production, marketing and distribution may be assessed. Proceeds from any fees will be deposited in the Historical Resources Operating Trust Fund.

Section 2 - provides an effective date of October 1, 1997.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

The Division of Historical Resources suggests that program costs would be minimal. The ad hoc committee would likely be composed of persons living in Tallahassee; therefore, travel would be insignificant.

No specific request for a funding amount is included in the bill for the cost of films, videos, or markers which could be used to recognize Great Floridians selected through the new Museum of Florida History program. However, according to estimates from a private local production studio, cost of a 28 to 58 minute video or film range from \$25,000 to \$100,000. According to the Division of Historical Resources, markers appropriate for the program are approximately \$300 each.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None, unless the Legislature chose to appropriate money for films, videos, or markers for the Great Floridians program. The cost is indeterminate at this time.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A.

2. Recurring Effects:

N/A.

3. Long Run Effects Other Than Normal Growth:

N/A.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A.

2. Direct Private Sector Benefits:

N/A.

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A.

FISCAL COMMENTS:

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

House Bill 1201 does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

House Bill 1201 does not reduce the authority of counties or municipalities to raise revenue.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

House Bill 1201 does not reduce the percentage of a state tax shared with counties and municipalities.

V. COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

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VII. SIGNATURES:

COMMITTEE ON TOURISM:

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